



# FAIRFAX COUNTY

**APPLICATION FILED:** February 25, 2003  
**APPLICATION AMENDED:** July 22, 2003  
**PLANNING COMMISSION:** September 24, 2003  
**BOARD OF SUPERVISORS:** not scheduled

V I R G I N I A

September 10, 2003

## STAFF REPORT

### APPLICATION RZ/FDP 2003-BR-012

#### BRADDOCK DISTRICT

**APPLICANT:** Christopher Management Inc.

**PRESENT ZONING:** R-1 and WS

**REQUESTED ZONING:** PDH-4 and WS

**PARCEL(S):** 57-1 ((1)) 3-7 and a portion of a private outlet road

**ACREAGE:** 6.39 acres

**DENSITY:** 3.91 du/ac

**OPEN SPACE:** 31%

**PLAN MAP:** Fairfax Center, Residential with option for 3-4 du/ac

**PROPOSAL:** Request approval to rezone 6.39 acres from the R-1 and WS Districts to the PDH-4 and WS Districts to permit development of 25 single family detached dwelling units at an overall density of 3.91 du/ac.

**WAIVERS/MODIFICATIONS:** 600' maximum private street length

#### STAFF RECOMMENDATIONS:

Staff recommends denial of RZ 2003-BR-012. If it is the intention of the Board of Supervisors to approve the application, staff recommends such approval be subject to the execution of proffers consistent with those found in Appendix 1 of this report.

Staff recommends denial of FDP 2003-BR-012.

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It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334.

**A GLOSSARY OF TERMS USED  
FREQUENTLY IN STAFF REPORTS CAN BE  
FOUND AT THE BACK OF THIS REPORT**

**DESCRIPTION OF THE APPLICATION**

**Proposal:**

The applicant, Christopher Management, Inc., requests approval to rezone 6.39 acres from the R-1 (Residential, One Dwelling Unit/Acre) and WS (Water Supply Protection Overlay) Districts to the PDH-4 (Planned Development Housing - Four Dwelling Units/Acre) District and WS to permit development of 25 single family detached homes. The application proposes an overall density of 3.91 dwelling units per acre (du/ac). The applicant is requesting approval of a combined Conceptual/Final Development Plan (CDP/FDP).

The applicant's draft Proffers, staff's proposed development conditions, the applicant's Affidavit and the Statement of Justification can be found in Appendices 1-4, respectively.

This application must also comply with certain Zoning Ordinance Provisions found in Article 6, Planned Development Districts, and Article 16, Development Plans, excerpts of which are found in Appendix 19.

**Waivers and Modifications Requested:**

Waiver 600 foot Maximum Private Street Length Requirement.

**LOCATION AND CHARACTER**

**Site Description:**

The 6.39 acre application property is located at the terminus of Rust Road, south of Lee Highway (Route 29). The eastern boundary of the property abuts the City of Fairfax. Three of the parcels contain homes dating from the 1930s and 40s (which are proposed to be removed with this application), the remaining two parcels are vacant. Each of the houses has as area of maintained lawn and landscape plantings (azaleas, dogwoods, etc.) around the home site. The remainder of the site is wooded with a mixture of forest types. Each existing lot has direct access to Rust Road. This access is provided across an undedicated private road along the southern and southeastern boundary of the site, which also allows access to the undeveloped Fairfax Villa Park to the south.

**Surrounding Area Description:**

<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Plan</b>
<b>North</b>	Retail (Food Lion Shopping Center)	C-8	Fairfax Center - Retail
<b>South</b>	Fairfax Villa Park (undeveloped)	R-1	Public Park
<b>East</b>	Single family detached residential (Fairfax City)		Residential, 2-3 du/ac
<b>West</b>	Mobile home park	R-MHP	Fairfax Center – Residential @ 3 du/ac

**COMPREHENSIVE PLAN PROVISIONS** (See Appendix 5)

<b>Plan Area:</b>	III	<b>Planning Sector:</b>	Fairfax Center Area – Land Unit V, Sub-Unit V2
<b>Plan Area:</b>	II	<b>Planning Sector:</b>	Fairfax Planning District George Mason Community Planning Sector (F7)
<b>Plan Map:</b>	Fairfax Center Area and Residential Use, 2-3 du/ac		

\*Note: The application property is located in Area III, Fairfax Center and Area II, Fairfax Planning District. The Comprehensive Plan recommendations for the property were recently amended pursuant to the 2002 South County Cycle, Area Plans Review (APR), Item 02-II-2F as indicated below.

**Plan Text:**

In the Fairfax County Comprehensive Plan, Area II volume, 2003 Edition, Fairfax Planning District, as amended through January 27, 2003, George Mason Community Planning sector (F7) on page 70 of 76, the Plan states:

- “8. Parcels 57-1((1))3-7 are primarily located in Sub-unit V2 of the Fairfax Center Area and are planned for residential use up to 3 du/ac, with an option for residential use at 3-4 du/ac (See the Fairfax Center Area portion of the Area III Plan for guidance on these parcels).”

In the Fairfax County Comprehensive Plan, Area III volume, 2000 Edition, Fairfax Center Area, Land Unit V, Recommendations, Land Use, Sub-unit V2, page 93 of 122, the Plan states:

“Parcels 57-1 ((1)) 3-7, located in the southeast corner of this sub-unit are planned for residential use at 1 du/ac at the baseline level, 2 du/ac at the intermediate level, and 3 du/ac at the overlay level. As an option at the overlay level, this area may be considered for 3-4 du/ac provided that the following conditions are met:

- Full consolidation of all parcels is achieved;
- Landscape screening to adjacent residential uses and parklands is provided;
- Mature trees are retained to the extent feasible;

- Pedestrian access is provided to the adjacent commercial area to the north and to the parkland to the south;
- A minimum of four parking spaces per dwelling unit, and 25% additional parking spaces to be scattered throughout the site;
- No side load garages (i.e., a garage that shares circulation and access with an adjoining dwelling unit's garage) should be considered;
- Innovative storm water management techniques should be utilized; and
- Necessary improvements to Rust Road are made."

## ANALYSIS

### Conceptual/Final Development Plan (Copy at front of staff report)

Title of CDP/FDP: Rust Road Property  
Prepared By: Urban Engineering & Assoc., Inc.  
Original and Revision Dates: November 2002, as revised through September 8, 2003

The combined CDP/FDP consists of eight sheets. **Sheet 1** is a cover sheet including an index. **Sheet 2** shows the site location map, soils map, notes, and a typical lot/unit detail. **Sheet 3** shows the proposed subdivision layout and includes site tabulations. **Sheet 4** is the zoning plat for the property. **Sheet 5** depicts the Existing Vegetative Cover Map (EVM) for the property. **Sheet 6** shows the proposed landscaping for the site. **Sheet 7** shows landscape and site details. **Sheet 8** shows illustrative front and rear architectural drawings.

The proposed development, as depicted on Sheet 3, consists of 25 single family detached dwelling units at a density of 3.91 du/ac. The average lot size of the single family detached units is proposed to be 3,800 square feet. The single family detached units are designed with a minimum side yard of 3 feet, but a minimum distance between units of 12 feet. Two-car garages are provided for each unit. The units are designed to be oriented with the garages in the rear, facing on a private street. Some of the units have front doors which are oriented towards green spaces, others are oriented towards a street (but with garages served by a private street to the rear). Fourteen units are arranged in a horseshoe-shape in the southern half of the site. The remaining 11 units are arranged in two parallel lines across the northern portion of the site.

Access to the development is proposed from two private streets off of Rust Road. A short, dead-end private street perpendicular to Rust Road serves 11 units in the northern portion of the site. No sidewalks are provided on this street (to the rear of the units) but a sidewalk does extend along the fronts of the units facing the rear of the shopping center. A second private street in a loop configuration is aligned with Pumpkin Place. Sidewalks are shown along both sides of the northern leg of this street (perpendicular to Rust Road). Along the "loop" portion of this street, a sidewalk is shown only along one side, offering pedestrian access to the park to the south. A vehicular connection is shown to Fairfax Villa Park as well, and an ingress/egress easement is shown across the portion of the road and sidewalk offering access to the park.

Three open space areas are provided on the site: (1) a small triangle of open space adjacent to the rear of the shopping center at the north end of the property (approximately 1/3 of an acre in size); (2) a "Village Green" located in the center of the main horseshoe of units, with the private street running along the northern edge (approximately 1/2 an acre); and (3) a proposed stormwater management pond and a tree save area in the southwestern corner of the site (approximately an acre). The village green area will have sidewalks, benches, landscaping and a gazebo. A trail with benches is provided through the triangle of open space in the northern corner of the site. An entrance feature which appears to be a meandering wall is located in the northern open space area, but no details as to what this looks like are provided.

Approximately 31% of the site will be provided as open space (2 acres). The CDP/FDP also depicts street trees along the subdivision street with a minimum tree caliper for shade trees of 2 to 2.5 inches and a minimum height of evergreen trees of six feet. Minimal landscaping is proposed along the western boundary to supplement existing vegetation as a buffer to the adjacent Mobile Home Park.

Sheet 7 shows typical benches and light fixtures (although a note indicates these are subject to change), and enlarged depictions of the two active open space areas as well as typical lot landscaping. Sheet 8 shows front and rear elevations of the proposed units, with some architectural details proposed for the rear elevations. Again, however, this sheet is labeled "for illustrative purposes only."

## Comprehensive Plan Analysis

The Comprehensive Plan includes several bulleted conditions required to achieve development at the proposed level of 3.91 du/ac, which is within the recommended Plan range of 3-4 du/ac at the optional overlay level. The applicant has not addressed all of these conditions, as discussed here.

- Full consolidation of all parcels is achieved (*Satisfied*)
- Landscape screening to adjacent residential uses and parklands is provided (*Satisfied*)

The tree save areas provided by the applicant are located along the western border adjacent to the mobile home park. Minimal additional screening is provided along this boundary. Some screening is shown on the eastern side of the access road towards the single family homes in the City, but not much more than street trees. To the south against Fairfax Villa Park, street trees are provided along the park edge, but no additional screening. The applicant has proffered to install additional screening, including evergreen and understory plantings along the boundary with the Park. It would be desirable to show these plantings on the CDP/FDP, and to include a commitment for additional planting between the proposed private road the homes in Fairfax City (if allowed by the City in the right-of-way).

- Mature trees are retained to the extent feasible (*Satisfied*)

While very little tree save is proposed, the applicant has retained areas of mature trees along the western boundary of the site to buffer the existing residential uses to the west.

Additionally, the applicant has proffered to a tree transplanting plan at the time of subdivision plan approval. Because of the recommended density for this property, staff feels that trees have been retained to the extent “feasible.”

- Pedestrian access is provided to the adjacent commercial area to the north and to the parkland to the south (*Satisfied*)

Appropriate access is provided to Fairfax Villa Park. The applicant has proffered to tie the proposed sidewalk on Rust Road to the existing sidewalk entering the rear of the Food Lion site.

- A minimum of four parking spaces per dwelling unit, and 25% additional parking spaces to be scattered throughout the site (*Satisfied*)
- No side load garages (i.e., a garage that shares circulation and access with an adjoining dwelling unit’s garage) should be considered (*Satisfied*)
- Innovative storm water management (SWM) techniques should be utilized (*Satisfied*)

While the applicant has proffered to pursue the issue of utilizing the over-sized SWM pond on the adjacent property (mobile home park), at this time no agreement exists, and should no agreement be reached, SWM would be provided via a standard SWM pond on the site. The proffers commit to “innovative” techniques such as the elimination of curbing along internal streets, the direction of roof drains and downspouts to vegetated areas, and the incorporation of vegetated buffers along any SWM pond provided. It would be desirable to show specific locations for the use of these techniques on the CDP/FDP to ensure feasibility.

- Necessary improvements to Rust Road are made (*Satisfied*)

The application property is located at the terminus of Rust Road, which is owned partially by the City and partially by the County. The street is maintained by the City. Portions of Rust Road have been improved with curb, gutter, and sidewalks, and extensive right-of-way exists, especially on the City side. The section of Rust Road between the old Credit Union building (commercial property on the east side of the road) and Westmore Drive is not constructed to a full width, and is frequently subject to flooding and drainage problems. While right-of-way for the potential improvement of the road does exist, mature vegetation in that right-of-way serves to buffer the residential properties from the commercial development on the west side of the road. The applicant has been involved with extensive discussions about Rust Road with both County and City staff, and has proffered to make reasonable improvements as identified in coordination with City and County staff. It would be desirable to specifically identify potential improvements at this time and include them in either the proffers or on the CDP/FDP.

## **Residential Development Criteria**

Fairfax County expects new residential development to enhance the community by fitting into the fabric of the neighborhood, respecting the environment, addressing transportation impacts, addressing impacts on public facilities, being responsive to our

historic heritage, contributing to the provision of affordable housing, and being responsive to the unique site specific considerations of the property. For the complete Residential Development Criteria text, see Appendix 20.

**Site Design** *(Development Criterion #1)*

This Criterion requires that the development proposal address consolidation goals in the plan, further the integration of adjacent parcels, and not preclude adjacent parcels from developing in accordance with the Plan. The applicant has consolidated all available properties for the development and staff believes that the proposed development would not preclude adjacent property from developing in accordance with the Plan.

The development should provide for a logical design with appropriate relationships within the development, including appropriately oriented units and usable yards. Access should be provided to transit facilities where available, and utilities should be identified to the extent possible. The proposed layout has very small lots (averaging 3,800 square feet) with houses which are designed with the garages located to the rear (which face outward in the southern portion of the site). While the lot sizes are not compatible with the adjacent single family lots in Fairfax City, Lots 4 and 11 (which have sides to Rust Road) are close in width to the lots across the street. To buffer the five lots (Lots 21 to 25) which are aligned with the rears of three lots on Pumpkin Place in the City, the applicant has shown minimal additional landscaping in excess space not utilized for the private street loop. Approximately 72% of the units (those in the loop and the most northerly four units) have front doors which open directly to green space. An additional four units have front doors which open to a street, but are located across from the "Village Green." The seven units in the center of the site, however, have a 24 foot wide street to both the front and the rear of the lot. These seven lots are also among the smallest in the development, with very little private green space on the lot itself and little room for additional construction of decks or other accessory structures. Staff proposed an alternative plan which reoriented (without deleting) units in the northern portion of the site to delete the extra road, but the applicant did not pursue that layout. Instead, the applicant submitted a plan which met with staff's approval (on this issue) by creating a single road to access all 25 units. This plan was subsequently withdrawn.

Open space should be useable, accessible, and integrated with the development. Appropriate landscaping should be provided. There is a requirement for 20% open space in the PDH-4, the applicant has provided 31%. Only approximately half of that space would be considered "usable" open space – those areas located within the lower horseshoe of units and in the northern corner of the site. The remainder is located in the southwest corner of the site and is utilized for proposed stormwater management or landscaping and tree save.

**Neighborhood Context** *(Development Criterion #2)*

While developments are not expected to be identical to their neighbors, this Criterion states that they should fit in the fabric of the area, especially at the interface between the two. As noted, this application directly abuts single-family detached residential development to the east in Fairfax City. The development is considerably more intense than that in the City, but only minimal landscaping has been provided to help buffer those lots. The development is of a comparable density to the mobile home park to the west,



but with much larger houses and less open space. To the north is the loading area of a commercial property (grocery store), which is not well screened from the proposed units in the northern portion of the site.

***Environment (Development Criterion #3)***

This Criterion requires that developments conserve natural environmental features to the extent possible, account for soil conditions, and protect current and future residents from noise and lighting impacts. Developments should minimize off-site impacts from stormwater runoff and adverse water quality impacts. No significant environmental features (other than the existing trees, discussed below) have been identified on the property, but off-site impacts to the south (including Fairfax Villa Park and the headwaters of several streams draining to the Occoquan Basin) are of a concern on this site. Potential stormwater management is shown to be provided through a pond in the southwest corner of the site. The applicant has proffered to utilize innovative SWM techniques where feasible, but as noted earlier, it would be desirable to indicated locations of such techniques on the CDP/FDP. Soils in the area are prone to asbestos; the applicant has proffered to appropriate measures to deal with the asbestos soils.

***Issue: Impervious surface***

Staff believes that the proposed development has an excess of impervious surface; specifically, street lengths which could be reduced to both increase open space and reduce impervious surface. Additionally, this would provide for better internal relationships between the units, as discussed under Criterion #1.

***Tree Preservation & Tree Cover Requirements (Development Criterion #4)***

This Criterion states that all developments should take advantage of existing quality tree cover—as preserving existing trees is highly desirable to meet the Public Facilities Manual (PFM) requirements—and that, where feasible, utility crossing should be located so as not to interfere with proposed tree save areas. The applicant has shown the locations of sewer connections and SWM outfall which would not interfere with the proposed tree save areas or the proposed landscaping. Some minimal areas of tree save have been located along the western property boundary, which have been identified as appropriate for preservation. The applicant has proffered to a tree preservation plan and a tree transplantation plan, both to be developed at the time of subdivision. If the SWM facility in the southwest corner of the site is waived or reduced, that area will be retained as open space, with additional opportunities for tree preservation.

***Transportation (Development Criterion #5)***

This Criterion requires that developments provide safe and adequate access to the surrounding road network, that transit and pedestrian travel be encouraged, and that interconnection of streets be encouraged. In addition, alternative street designs may be appropriate where conditions merit. The applicant has provided a development plan which utilizes private streets to access all 25 houses. Proffers include a commitment to contribute to the Fairfax Center Road Fund in accordance with Board policies. See Appendix 7 for the full transportation analysis.

*Issue: Access to Fairfax Villa Park*

Staff would prefer the access provided to Fairfax Villa Park to be public (rather than an ingress/egress easement over a private road) to spare the future residents of this development the maintenance burden of public access to public park. However, Rust Road is maintained by the City of Fairfax, and therefore VDOT would not maintain any roads in this development. Likewise, the City has indicated that it would not maintain a public road in this location (within the County, accessing a County park) either. Additionally, this portion of the Fairfax Villa Park is undeveloped and contains the headwaters of streams which drain to the Occoquan, and is unlikely to be intensely developed in the future. Therefore, staff is satisfied with the easement to allow access to the park.

*Issue: Rust Road*

The Comprehensive Plan language indicates that necessary improvements to Rust Road should be made to achieve the proposed density. Even aside from the Plan language, the addition of approximately 289 vehicle trips per day would require improvements to Rust Road, which has sections which are excessively narrow and prone to flooding. Staff recognizes that any improvements to Rust Road will require coordination with both the County and the City, as half of the road section is located in each jurisdiction and the road is maintained by the City. At this time, the applicant has not shown any improvements to Rust Road, but has proffered to make improvements as identified in coordination with County and City staff. While the proposed proffer language does resolve the issue, as noted earlier, it would be desirable to identify specific proposed improvements at this time and include them on the CDP/FDP.

**Public Facilities** (Development Criterion #6)

Criterion 6 states that the impacts on public facility systems (i.e., schools, parks, libraries, police, fire and rescue, stormwater management) should be offset by residential development. Impacts may be offset through the dedication of land, the construction of public facilities, the contribution of specified in-kind goods, services or cash earmarked for those uses, and/or monetary contributions to be used toward funding capital improvement projects. (Specific Public Facilities issues are discussed in detail in Appendices 11-16; Fairfax City comments are found in Appendix 6.)

*Fairfax County Park Authority* (Appendix 16)

The proposed development is projected to add approximately 77 persons to the current population of the Braddock District. The CDP/FDP shows no active recreational amenities. A gazebo is located in the central "Village Green," and benches are located in both open space recreational areas. Residents of this development will need outdoor facilities including picnic facilities, playground/tot lots, tennis, multi-use courts and athletic fields. The proportional development cost to provide recreational facilities for the residents of this development while maintaining the current level of service is estimated to be \$20,405 in addition to the \$955 per unit required by the Planned District Standards. The applicant has not proffered to contribute the requested additional amount to the Park Authority. The applicant should also continue to provide vehicular access to Fairfax Villa Park to the south, as exists today, and should provide a pedestrian connection; both the

pedestrian and vehicular connections are shown on the CDP/FDP.

*Fairfax County Public Schools (Appendix 14)*

The proposed development would be served by the Providence Elementary, Lanier Middle and Fairfax High Schools. Lanier Middle is currently the only one of these schools over capacity, but Fairfax High is also projected to be over capacity by the 2007-8 school year. The total number of students generated by this development is projected to be six elementary students, two middle school students and four high school students (12 students total), an increase of 10 students over what would be projected under the current zoning. A contribution of \$75,000 to \$90,000 would be appropriate. The applicant has proffered a school contribution \$3,000 per unit or \$75,000.

*Fire and Rescue (Appendix 13)*

The subject property is serviced by the Fairfax County Fire and Rescue Department Station #3, Fairfax. The requested rezoning currently meets fire protection guidelines, as determined by the Fire and Rescue Department. Comments from the City of Fairfax indicate that the proposed hammerhead turnaround at the end of the northerly dead-end street is not sufficient for the turn-around of fire vehicles.

*Sanitary Sewer Analysis (Appendix 14)*

The subject property is located within the Accotink Creek (M-0) watershed and would be sewered into the Norman M., Cole, Jr. Pollution Control Plant. An existing 8 inch line located in an easement on the subject property is adequate for the proposed use. A City of Fairfax main trunk line is located in an easement crossing the property from east to west. Additionally, City comments indicate that the applicant should provide a sanitary sewer capacity study to the City for review and approval, and that the City will require sanitary sewer monitoring. The applicant has not at this time indicated if the sanitary sewer capacity study, which has been submitted to the City, has been approved.

*Fairfax County Water Authority (Appendix 12)*

Water service is provided to the subject property by the City of Fairfax. Comments received from the City indicate that the development will need to follow the following guidelines: (1) the development should be bonded with the City for water service, (2) standard notes for water mains should be included on the CDP/FDP, (3) no blow-off valves will be permitted, only fire hydrants, (4) all water meters and mains should be located in a 10 foot wide easement, and (5) the developer should be aware that the area has low water pressure. Staff believes that the applicant should place those features requested on the CDP/FDP, and should proffer to meet all requirements of the City for water service.

*Utilities Planning and Design, DPWES (Appendix 15)*

The analysis notes that there are no drainage or flooding complaints related to this site. The site is located in the "Watershed Protection" management category, and as such applicant is encouraged to provide full stormwater management and water quality management facilities and to utilize innovative BMP/Detention facilities to meet

Stormwater Detention requirements. The Comprehensive Plan also recommends innovative SWM measures; as noted, the applicant has proffered to provide such innovative measures where feasible, but staff would prefer that that the language actually commit to implementation.

***Affordable Housing (Development Criterion #7)***

Criterion 7 states that ensuring an adequate supply of housing for low and moderate income families, those with special accessibility requirements, and those with other special needs is a goal of the County. Satisfaction of this criterion may be achieved by the construction of units, contribution of land, or by a contribution to the Housing Trust Fund. The applicant has proffered to a contribution of ½% of the sales price of the houses to the Housing Trust Fund, in accordance with County policy.

***Heritage Resources (Development Criterion #8)***

Criterion 8 requires a development to address potential impacts on historical and/or archaeological resources through research, protection, preservation, or recordation. The memo from the County Archeological Services (Appendix 17) notes that the property contains a previously recorded Civil War site, and evidence of a possible prehistoric site. The applicant should proffer to undertake a Phase I archeological study, and Phase II and III surveys if necessary. Additionally, the applicant should proffer to allow the County Archeologist on the site to monitor the initial site clearing and grading. The applicant has proffered to the studies but not to the on-site monitoring.

**Fairfax Center Analysis**

The Fairfax Center Checklist is a tool utilized by staff in evaluating a zoning application within the Fairfax Center Area for conformance with the Comprehensive Plan. There are transportation, environmental, site design, land use and public facilities elements on the Checklist. (See Appendix 18 for Checklist)

The Comprehensive Plan recommends a maximum density of 3 du/ac at the Overlay Level for this area, with additional conditions required to reach a density of 3-4 du/ac. The applicant proposes a density of 3.91 du/ac. In order to justify development at the Overlay density, the application must satisfy:

- ⊙ All applicable basic elements;
- ⊙ All applicable major transportation elements;
- ⊙ All essential elements;
- ⊙ Three-fourths (75%) of the applicable minor elements; and
- ⊙ One-half (50%) of the applicable major elements

In staff's evaluation, the application satisfies only 88% of the applicable basic elements; 92% of the essential elements, 82% of the applicable minor elements, 60% of the applicable major elements, and does satisfy the one identified applicable major transportation element. Therefore, staff feels that the application does not justify development at the Overlay Level. To fully satisfy the Fairfax Center Checklist Criteria, the applicant would need to address the basic design issue of the central row of units

bounded by paved streets to both the front and the rear and provide details about the site's entrance feature indicated on the CDP/FDP.

## **ZONING ORDINANCE PROVISIONS** (Appendix 19)

The requested rezoning of the 6.39 acre site to the PDH-4 District must comply with the applicable regulations of the Zoning Ordinance found in Article 6, Planned Development District Regulations and Article 16, Development Plans, among others.

### **Article 6**

Sect. 6-101. Purpose and Intent: This section states that the PDH District is established to encourage innovative and creative design, to ensure ample provision and efficient use of open space; to promote balanced development of mixed housing types and to encourage the provision of affordable dwelling units. The development proposes 25 single family detached units at a density of 3.91 du/ac. Thirty-one (31%) of the site is proposed as open space which includes minimal tree preservation areas and two open space areas including a village green within the horseshoe of units in the southern portion of the site. The development provides some minimal buffering to existing residential areas to the east and west. In staff's evaluation, the design of the northern portion of the site, where two rows of units are provided, with 24 foot wide streets on either side of the central row of units is unacceptable. In addition to excessive impervious service, this design leaves the central units completely surrounded by streets, with no yard space in the lots to compensate. Therefore, staff believes the request for rezoning to the PDH-4 District as currently proposed is not appropriate.

Sect. 6-107 (Par. 1) Minimum District Size: This section states that a minimum of two (2) acres is required for approval of a PDH District. The area of this rezoning application is 6.39 acres; therefore this standard has been satisfied.

Sect. 6-107 (Par. 2) Minimum Lot Area: There is no specific requirement for a minimum lot size in a "P" District; however, the development depicts an average lot size of 3,800 square feet, which is smaller than the lot sizes in the surrounding developments. The units have been oriented, however, to reduce the exposure of the single family residential area to the east.

Sect. 6-109. Maximum Density: The maximum density for the PDH-4 District is 4 dwelling units per acre (du/ac). With a proposed density of 3.91 du/ac, this standard has been satisfied.

Sect. 6-110. Open Space: Par. 1 requires a minimum of 20% open space for a PDH-4 District. Par. 2 requires recreational facilities be provided in the amount of \$955/unit. The application proposes to provide 31% of the site in open space. Trails and landscaped passive recreation areas are proposed in the development as recreational amenities. The draft proffers include a provision to contribute any remaining funds from the required \$955 per unit to the Park Authority for park facilities in the vicinity of the site. Staff believes this standard has been satisfied.

**Article 16. Sections 16-101 and 16-102****Sect. 16-101 General Standards**

Par. 1 requires conformance with the Comprehensive Plan recommendations. The Comprehensive Plan states that this area is planned for residential development at a maximum of 3 dwelling units per acre at the overlay level, with an option for development at 3-4 du/ac, subject to certain conditions. The applicant proposes to develop the property with 25 single family detached units at a density of 3.91 du/ac which is consistent with the Plan recommendation. While staff believes that improvements could be made to the commitments intended to address the Plan recommendations, in general staff believes the conditions have been met and this standard has been satisfied.

Par. 2 requires that the proposed design achieve the stated purposes of the PDH district more than would development under a conventional zoning district. The proposed design allows for open space areas including passive recreational amenities that would not be required with development under a conventional zoning district. However, in staff's evaluation, the design of the development as currently proposed does not improve upon the design possible under a conventional district. While some amenities are provided, they are not extensive. Therefore, staff does not believe this standard has been satisfied.

Par. 3 requires protection and preservation of scenic assets. The development plan allows for some minimal tree preservation, and the study and recordation of historic resources. The commitment to innovative SWM, if implemented, will help protect the water resources to the south. Staff believes this standard has not been fully satisfied.

Par. 4 requires a design which prevents injury to the use of existing development and does not deter development of undeveloped properties. The proposal is for single family detached residential development which is consistent with the surrounding developments. Although the property is proposed to be developed at a higher density than the surrounding area, it also will act as a transition between lower density residential to the south and east and commercial to the north. There is no adjacent property which is not already developed in accordance with the Comprehensive Plan. Staff believes this standard has been addressed.

Par. 5 requires that adequate transportation and other public facilities are or will be available to serve the proposed use. The development is proposed to be served by private roads with access to Rust Road. These private roads will be constructed to public street standards. Sidewalks are provided along some of the internal/private streets, and along the Rust Road frontage of the site. The applicant has proffered to work with City and County staff during subdivision plan approval and to make reasonable improvements to Rust Road. Staff believes this standard has been satisfied.

Par. 6 requires that coordinated linkages among internal facilities and services as well as connections to major external facilities and services be provided. The development plan depicts pedestrian sidewalks along the fronts of the houses, and along the private street which leads to Fairfax Villa Park. The applicant has proffered to connect the sidewalk along Rust Road with an existing sidewalk leading into the rear of the shopping center to the north. Staff believes that this standard has been satisfied.

### Sect. 16-102 Design Standards

Par. 1 states that at the peripheral lot lines, the bulk regulations and landscaping and screening for the proposed development should generally conform with the provisions of the most comparable conventional district. In this instance, the most comparable conventional district is the R-4 District. For single family detached units, a 30 foot front yard is required, as well as a 8 foot side yard and a 25 foot rear yard. The setbacks illustrated on the CDP/FDP show an 15 foot typical front yard setback, 3 foot typical side yard setback (with a minimum of 12 feet between units), and an 18 foot typical rear yard setback (with extension of a deck into this rear yard) on all lots, including those on the periphery. This is considerably less than the R-4 District.

Par. 2 states that the open space, parking, loading, sign and all other similar regulations shall have application in all planned developments. This application satisfies all of these applicable Zoning Ordinance provisions.

Par. 3 states that streets and driveways shall be designed to generally conform to the provisions of the Ordinance. The internal roadway system is proposed to be private. The applicant proposes to construct the private road in accordance with public street standards, and has requested a waiver of the 600 foot maximum length of private streets. Since the streets will be constructed to public street standards, and because no public entity (VDOT or the City of Fairfax) would maintain these streets if they were public, staff supports the requested waiver. Additionally, the applicant has proffered \$3,500 to seed a maintenance fund for the private streets. Therefore, staff feels this standard has been satisfied.

Par. 4 states that emphasis should be placed on the provision of recreational amenities and pedestrian access. The development plan includes a proposed trail system, and sidewalks along the fronts of the houses, and along the street/alley leading to the Fairfax Villa Park. The plan also includes several passive recreational areas with some minimal landscaping and features including trails and benches. The proffers also indicate that recreational funds required by the PDH standards which are not used on-site will be contributed to the Park Authority for park purposes in the area, although no additional recreational funds have been proffered. Staff believes this standard has been satisfied.

### **Waivers/Modifications**

#### **Waiver 600' Maximum Private Street Length Requirement**

Although staff would prefer the public access to the Fairfax Villa Park to be a public street (and therefore no maintenance burden on the future residents of this development), the street maintenance situation in this corner of the County is admittedly unusual. Because neither VDOT nor the City of Fairfax would agree to maintain such a street, and the streets are proposed to be constructed to a public street standard, staff does not object to a waiver of the private street length, provided that the applicant notifies potential homebuyers in writing prior to purchase that the responsibility for street maintenance lies with the property owners. The applicant has provided this agreement in the draft proffers.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

In staff's evaluation, the proposal has not fulfilled the criteria of the Fairfax Center Area checklist and has not satisfied all of the applicable Zoning Ordinance standards. In order to address staff's concerns, the applicant should, at a minimum, improve the landscape commitments shown on the plan, delete all references to design and architectural details being "for illustrative purposes only," and provide an alternative design to reduce impervious surface and improve the access of the central row of units to open space.

### **Staff Recommendations**

Staff recommends denial of RZ 2003-BR-012; however, if it is the Board's intention to approve the application, staff recommends the approval be subject to the execution of proffers consistent with those found in Appendix 1 of this report.

Staff recommends denial of FDP 2003-BR-012; however, if it is the Planning Commission's intention to approve the application, staff recommends the approval be subject to development conditions consistent with those found in Appendix 2 of this report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

## **APPENDICES**

1. Draft Proffers
2. Proposed Development Conditions
3. Affidavit
4. Statement of Justification
5. Plan Citations and Land Use Analysis
6. City of Fairfax Comments
7. Transportation Analysis
8. Environmental Analysis
9. Urban Forestry Analysis
10. Health Department Analysis
11. Sanitary Sewer Analysis
12. Water Service Analysis
13. Fire and Rescue Analysis
14. Schools Analysis
15. Utilities Planning and Design Analysis (DPWES)
16. Park Authority Analysis
17. County Archeological Service Analysis



18. Fairfax Center Area Checklist
19. Applicable Zoning Ordinance Provisions Checklist
20. Residential Development Criteria
21. Glossary of Terms

## **PROPOSED DEVELOPMENT CONDITIONS**

### **FDP 2003-BR-012**

**September 10, 2003**

If it is the intent of the Planning Commission to approve Final Development Plan Application FDP 2003-BR-012 for residential development located at Tax Map 57-1 ((1)) 3-7 and a portion of a private outlet road, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions.

1. Development of the subject property shall be in conformance, as defined by Section 16-403 of the Zoning Ordinance, with the Final Development Plan entitled "Rust Road Property", prepared by Urban Engineering & Assoc., Inc., and dated November 2002, as revised through September 8, 2003.